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August 13, 2008

VIA ELECTRONIC FILING AND REGULAR MAIL

The Honorable Tonianne J. Bongiovanni
Clarkson S. Fisher Federal Building &
U.S. Courthouse, Room 6052
402 E. State Street
Trenton, New Jersey 08608

RE: **Scottsdale Insurance Company vs. Somerville Fidelco Associates, L.P., et al.**
DOCKET NO. 07-CV-02763

Dear Judge Bongiovanni:

As you may recall, my office represents the plaintiff, Scottsdale, in this declaratory judgment action. This matter arises from a coverage dispute on a Scottsdale policy purchased by defendant, Badger Roofing. Somerville Fidelco ("SF"), a named defendant in this action, was a named respondent in an arbitration claim filed by Bristol-Myers Squibb ("BMS"). The underlying arbitration was a claim for damages BMS allegedly suffered arising out of Badger's roof replacement, covering a period from late 2005 to early 2006. SF owned the premises and leased space to BMS. SF also hired Badger to complete the roof work. SF is seeking coverage as an additional insured under Badger's policy.

Pursuant to Your Honor's instructions, I have spoken with my client about the possibility of mediating this case before formally starting the discovery process. At this time, my client is not inclined to participate in the mediation process, as they want the coverage issues resolved first.

Thank you for your assistance in this matter.

Respectfully submitted,

/s Jay A. Gebauer

Jay A. Gebauer
JAG/QMM

cc: Jay J. Rice, Esquire (via fax)
Michael Collins, Esquire (via fax)
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